

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Circuito Cerrado, Inc.,

NO. C 10-02558 JW

Plaintiff,

**ORDER VACATING JULY 11 HEARING;  
SETTING HEARING ON MOTION FOR  
DEFAULT JUDGMENT**

v.

Edgar D. Huinac Garcia, d.b.a. Frida Bar,

Defendant.

On September 2, 2010, Plaintiff filed a Request to Enter Default in this case. (See Docket Item No. 6.) On September 7, 2010, the Clerk entered Default as requested by Plaintiff. (See Docket Item No. 10.) Since that time, there was no further activity in this case, as reflected by the docket. Accordingly, on June 17, 2011, the Court issued an Order to Show Cause re. Dismissal. (See Docket Item No. 12.) The Court ordered Plaintiff to appear on July 11, 2011 to show cause, by actual appearance in Court and by certification filed with the Court on or before July 1, 2011, why this case should not be dismissed for lack of prosecution. (Id. at 1.)

Plaintiff failed to file the certification required by the Court's Order to Show Cause. Instead, on June 23, 2011, Plaintiff filed a Motion for Default Judgment.<sup>1</sup> (See Docket Item No. 13.)

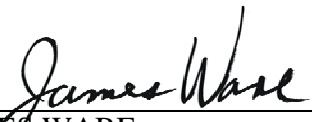
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<sup>1</sup> Plaintiff noticed its Motion for August 1, in disregard of the Court's calendar, which would have informed it that the Court was unavailable on that date. Subsequently, Plaintiff filed an Amended Notice of Hearing noticing its Motion for October 3, 2011. (See Docket Item No. 14.)

1 Although Plaintiff failed to comply with the Court's Order to Show Cause, the Court  
2 VACATES the July 11 hearing on its Order, in light of Plaintiff's filing of its Motion for Default  
3 Judgment.

4 The hearing on Plaintiff's Motion for Default remains on **October 3, 2011 at 9 a.m.** as  
5 renoticed. Plaintiff shall timely serve this Motion on Defendant and file the appropriate certificate  
6 of service with the Court.

7  
8  
9 Dated: July 1, 2011

  
\_\_\_\_\_  
JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Thomas Peter Riley TPRLAW@att.net

3 **Dated: July 1, 2011**

**Richard W. Wieking, Clerk**

4  
5 **By: /s/ JW Chambers**  
6 **Susan Imbriani**  
7 **Courtroom Deputy**  
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